

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: PENNINGTON, Joseph, Jr.

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Case No: 06-10066 (MFW)

Chapter 7

Ref: 26, 43, 44, 53

NOTICE OF APPEAL

Joseph Pennington, Jr., the Debtor, appeals under 28 U.S.C. Section 158(a)(1) from the Order of the Bankruptcy Judge granting, pursuant to 11 U.S.C. Section 707(b)(3), the Motion of the United States Trustee Kelly Beaudin Stapleton (“UST”) to Dismiss the Debtor’s case, which was entered in this matter on August 30, 2006. The Debtor’s Motion to Reconsider said Order was granted in part on October 4, 2006, but the August 30, 2006 Order was not vacated or amended.

The names of all parties to the order appealed from and the names and addresses and telephone numbers of their respective attorneys are as follows:

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Attorney for the
Debtor

Montague S. Claybrook
Chapter 7 Panel Trustee
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302-661-1804

Date: October 12, 2006

/s/Cynthia L. Carroll _____
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**IN THE UNITED STATES BANKRUPTCY COURT
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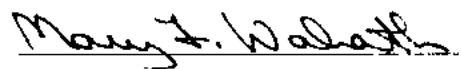
IN RE:)	Chapter 7
)	
JOSEPH PENNINGTON, JR.,)	Case No. 06-10066 (MFW)
)	
Debtor.)	
)	

ORDER

AND NOW this **30th** day of **AUGUST, 2006**, upon consideration of the United States Trustee's Motion to Dismiss the Debtor's chapter 7 petition for abuse under section 707(b) (3) and the Debtor's response thereto, it is hereby

ORDERED that the Motion to Dismiss is hereby **GRANTED**, unless the Debtor converts his case to chapter 13 within thirty days of the entry of this Order.

BY THE COURT:



Mary F. Walrath
United States Bankruptcy Judge

cc: William K. Harrington, Esquire¹

¹ Counsel shall serve a copy of this Opinion and Order on all interested parties and file a Certificate of Service with the Court.

SERVICE LIST

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Chapter 7 Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE: PENNINGTON, Joseph, Jr.)

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Case No: 06-10066 (MFW)

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Chapter 7

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Ref: 26, 43, 44

ORDER

AND NOW, this 4th day of October, 2006, the

Debtor's Motion for Reconsideration of the August 30, 2006 Order Granting the Motion of the United State's Trustee to Dismiss, ("Debtor's Motion") having been duly considered;

IT IS HEREBY ORDERED, that the Debtor's Motion is GRANTED, ^{in part} and the August 30, 2006 Order is ~~VACATED~~ RECONSIDERED.

However, upon consideration of the additional facts and argument presented at the hearing on October 4, 2006, the Court will not vacate or amend the August 30, 2006, Opinion or Order.

Maury Walden
U. S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

11/13/2006

C.A. No.:
Bankruptcy Case No.: **06-10066 (MFW)**
Appeal No.: **06-65**

Bankruptcy Appeal Transmittal Sheet

Name of Appellant(s): **Joseph Pennington, Jr.**

Counsel for Appellant(s): **Cynthia L. Carroll, Esquire**
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Name of Appellee: **United States Trustee**

Counsel for Appellee: **William K. Harrington, Esquire**
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Enclosed Items:

Electronically Filed on 11/13/06

Notice of Appeal: (Docket #54)

Appealable Orders: (Docket #'s 44 & 53)

Appellants Designation of Record on Appeal: (Docket # 57)

Appellees Designation: (Docket #58)

Transmittal letter: (Docket # 59)